

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

TOMMIE LEE MCDOWELL, JR.,

Plaintiffs,

v.

MR. REMINGTON, et al.,

Defendants.

3:09-CV-00315-LRH-VPC

ORDER

Before the court is Plaintiff Tommie Lee McDowell's motion for reconsideration (#100¹) of this court's order (#13) denying Plaintiff's motion for appointment of counsel (#3). Defendant Richard Rimington has filed an opposition (#105), and Plaintiff has filed a reply (#109) and erratum (#111).

As noted in the court's prior order, district courts lack the authority to require counsel to represent indigent prisoners in § 1983 cases and may request the voluntary assistance of counsel under 28 U.S.C. § 1915(e)(1) only in the most serious and exceptional cases. *See Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1990); *Wood v. Housewright*, 900 F.2d 1332, 1335-36 (9th Cir. 1990).

Here, the court does not find the requisite exceptional circumstances. Even granting

¹Refers to court's docket entry number.

1 Plaintiff's contentions regarding his limited ability to research and educate himself in the law,
2 Plaintiff has demonstrated throughout the course of this litigation sufficient writing ability and legal
3 knowledge to articulate his claims *pro se* in light of their insubstantial complexity.

4 IT IS THEREFORE ORDERED that Plaintiff's Motion for Reconsideration for the
5 Appointment of Counsel, or in the Alternative, Motion for the Assistance of Counsel for Trial
6 Preparation and Trial (#100) is DENIED.

7 IT IS SO ORDERED.

8 DATED this 6th day of June, 2011.



10
11

LARRY R. HICKS
UNITED STATES DISTRICT JUDGE